P.02

#3

PENNIE & EDMONDS LL DOCKET NO. 5914-078-999

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

ARATION OF ATTORNEY

SHORT-ROOT GENE, PROMOTER, AND USES THEREOF

and for which a patent application:
is attached hereto and includes amendment(s) filed on (y applicable)

was filed in the United States on May 24, 2000 as Application No. 09/578,827 (for declaration not accompanying application) with amendment(s) filed on (y applicable)

was filed as PCT international Application No. on and was amended under PCT Article 19 on (y applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICA	TION(S), IF ANY, FILED PRI	OR TO THE FILING DATE OF	THE APPLICATION
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES D NO D
			YES - NO -

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

		STATUS		
APPLICATION SERIAL NO.	FILING DATE	PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Rag. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williarns (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Fruncis D. Cerrito (Reg. No.38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rotherry (Reg. No. 35340), Brian D. Siff (Reg. No. 36679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Off

(1)

### PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

SEND	CORRESPONDENCI	PENNIE & EDMONDS LP 1155 Avenue of the America New York, N.Y. 10036-2711	=	DIRECT TELEPHONE CALLS TO PENNIE & EDMONDS LL DOCK (212) 790-2803	): ETING
	FULL NAME OF INVENTOR	LAST NAME Benfey	first name Philip	MIDDLE NAME N.	
2 0 1	RESIDENCE & CITIZENSHIP	CITY New York	STATTION POREIGN COUNTRY New York	COUNTRY OF CITIZHNSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	crry New York	STATEOR COUNTRY New York	2/P CODII 10012
	FULL NAME OF INVENTOR	IASTNAME Helariutta	ғікет мами Үлјо	MIDDLE NAME	
2 0 2	RESIDENCE & CITIZENSHIP	спу Helsinki	STATE OR FOREIGN COUNTRY Finland	COUNTRY OF CITIZENSHIP Finland	
	POST OFFICE ADDRESS	STRIPET Oskelantie 8 A 5	crry Helsinki	STATE OR COUNTRY Finland	ZIP CODIL FIN-00320
2 0 3	FULL NAME OF INVENTOR	last name Fukaki	FIRST NAMB Hidehito	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	crry Nara	STATE OR FOREIGN COUNTRY  Japan	Japan	
	POST OFFICE ADDRESS	STREET Syouyoudai 4-26-12-201	crry Nara	STATE OR COUNTRY Jupan	ZIF CODE 631-0007
	FULL NAME OF INVENTOR	LAST NAMO Nakajima	first name Keiji	MIDDLE NAME	
2 0 4	RESIDENCE & CITIZENSHIP	crry New York	STATE OR POWERIN COUNTRY NEW YORK	Japan Japan	
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	crry New York	STATE OR COUNTRY New York	217 CODE 10003
	FULL NAME OF INVENTOR	LAST NAMIL	PIRST NAME	MIDDLENAME	
2 0 5	RESIDENCE & CITIZENSHIP	CTIY	STATE OR FOREIGN COUNTRY	COUNTRY OF CLUSTERSIES	
	POST OFFICE ADDRESS	String	спу	STATE OR COUNTRY	ZIF CODE
	FULL NAME OF INVENTOR	LAST NAMII	PIRST NAME	MIDDLE NAME	
2 0 6	RESIDENCE & CITIZENSHIP	СПҮ	STATE OR FORMIGN COUNTRY	COUNTRY OF CITERINSHIP	
	POST OFFICE ADDRESS	STREET	СПУ	STATE OR COUNTRY	NII-CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SUGNATURE OF INVENTOR 201  PHILLIP N. BENFEY	SIGNATURII OF INVIDATOR 202  YRJO HELARIUTTA	SICNATURE OF INVENTOR 2009  HIDEHIRO FUKAKI
DATE 12/17/2000	DATU	DATE
SIGNATURI OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATIBLE OF INVENTOR 206
KEUI NAKAJIMA		
DATE	DATR	DATE

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### PENNIE & EDMONDS LL DOCKET NO. 5914-078-999

SEND	CORRESPONDENCE	PENNIE & EDMONDS III 1155 Avenue of the America New York, N.Y. 10036-2711	s P	DIRECT TELEPHONE CALLS TO ENNIE & EDMONDS LL DOCK 212) 790-2803	): ETING
	FULL NAME OF INVENTOR	LASTNAME Benifey	FIRST NAME Philip	MIDDLE NAME N.	
2 0	RESIDENCE & CITIZENSHIP	crry New York	STATEOR POREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
. }	POST OFFICE	STREET  3 Washington Square Village, Apt. 6A	crry New York	STATE OR COUNTRY New York	10012
	ADDRESS  FULL NAME	:ASTNAME Helariutta	яял ман Үгјо	MIDDLE NAME	
2 0	OF INVENTOR RESIDENCE &	crry Helsinki	STATE OR POREION COUNTRY Finland	COUNTRY OF CHIZZNAHIP Finland	
2	POST OFFICE	STRUCT Oskelantie 8 A 5	crry Helsinki	STATEOR COUNTRY Finland	ze codu FIN-00320
	ADDRESS  FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAMB Hidehiro	MIDDLE NAME	
2 0 3	RESIDENCE & CITIZENSHIP	city Nara	STATE OR FORLIGH COUNTRY Japan	Japan Country OF Chizener	
	POST OFFICE ADDRESS	STREET Syouyoudai 4-26-12-201	Crry Nara	STATE OR COUNTRY Jupan	631-0007
	FULL NAME OF INVENTOR	last name Nakajima	PIRST NAME Keiji	MIDDLE NAME	
2 0 4	RESIDENCE & CITIZENSHIP	crry New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Japan	
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	cny New York	STATE OR COUNTRY New York	20/ CODE. 10003
	FULL NAME OF INVENTOR	LAST NAMI:	FIRST NAME	MIDDLE NAME	
2	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CLEATING CO	
5	POST OFFICE ADDRESS	STARRE	спу	STATE OR COUNTRY	ZIP CODE
	FULL NAME OF INVENTOR	LAST NAMII	DRSCNAME	MIDDLENAME	
2 0 6	RESIDENCE & CITIZENSHIP	спу	STATE OR FOREIGN COUNTRY	COUNTRY OF CITEMINSHIP	
	POST OFFICE ADDRESS	STREET	СПУ	STATE OR COUNTRY	NII CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	Signaturii ud invuntori 100	Hidehiro Firkaki HIDEHIRO FUKAKI
PHILIP N. BENFEY	YRJO HELARIUTTA	HIDEHIRO FUKAKI
DATE	DATE	DATE 11/10/00
SIGNATURE OF INVENTOR 204	SIGNATI/REOF INVENTOR 205	SIGNATURE OF INVENTOR 206
KEUI NAKAJIMA		
DATR	DATE	DATE

CIBEEL

POST OFFICE ADDRESS

# 2122638189

### PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LIT SEND CORRESPONDENCE TO: PENNIE & EDMONDS ... DOCKETING 1155 Avenue of the Americas (212) 790-2803 New York, N.Y. 10036-2711 MIDDLE NAME PIRST NAME LAST NAME **FULL NAME** Philip Benfey OF INVENTOR COUNTRY OF CITIZENSHIP STATE OR POREIGN COUNTRY 2 RESIDENCE & U.S.A. 0 New York New York CITIZENSHIP Z:P CODII STATE OR COUNTRY CITY STREET 10012 New York POST OFFICE New York 3 Washington Square Village, Apt. 6A ADDRESS MIDDLE NAME FIRST NAME :AST NAME full name Yrio Helariutta OF INVENTOR COUNTRY OF CITIZINGHIP STATE OR POREIGN COUNTRY 0 RESIDENCE & Finland Finland Helsinki CITIZENSHIP STATE OR COUNTRY ZIP CODE **5. ស**ទះវ FIN-00320 POST OFFICE Finland Helsinki Oskelantie 8 A 5 **ADDRESS** MIDDLE NAME FIRST NAMB LAST NAME **FULL NAME** Hidehiro Fukaki OF INVENTOR COUNTRY OF CITIZENSHIP STATE OR FORLIGN COUNTRY 2 CITY RESIDENCE & 0 Japan Japan Nara CITIZENSHIP STATE OR COUNTRY ZIE CODE STREET 631-0007 **POST OFFICE** Japan Nara Syouyoudai 4-26-12-201 **ADDRESS** MIDDLE NAME PIRST NAME LAST NAMB **FULL NAME** Keiii Nakajima OF INVENTOR COUNTRY OF CITIZENSHIP STATE OR PORPION COUNTRY CITY 0 RESIDENCE & Japan New York New York 4 CITIZENSHIP ZULCODE STATE OR COUNTRY CITY 10003 POST OFFICE New York New York 14 Wahsington Place, Apt. 7K ADDRESS MIDDLE NAME PIRST NAME LAST NAME **FULL NAME** OF INVENTOR COUNTRY OF CITOSINSIES STATE OR FOREIGN COUNTRY RESIDENCE & CITIZENSHIP ZIP CODE STATE OR COUNTRY CITY **POST OFFICE ADDRESS** MIDDLE NAME MRST NAME LAST NAME **FULL NAME** OF INVENTOR COUNTRY OF CITESTANSHIP STATE OR PORLEGN COUNTRY CITY 0 RESIDENCE & CITIZENSHIP 6

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURII OF INVIDITOR 202	SHINATIJKE OF INVENTOR 209
PHILIP N. BENFEY	MY WIO HELARIUTTA	HIDEHIRO FUKAKI
DATE	NOVERBER 10 , 2001	DATE
SIGNATURE OF INVENTOR 264	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
KEUI NAKAJIMA		
DATR	DATR	DATE

SIP CODE

STATE OR COUNTRY

## PENNIE & EDMONDS LL DOCKET NO. 5914-078-999

2122638189

SENI	CORRESPONDENCE	PENNIE & EDMONDS ur 1155 Avenue of the Americas New York, N.Y. 10036-2711	s PENNIE &	ELEPHONE CALLS TO EDMONDS LL DOCK 2803	D: ETING
	FULL NAME	LAST NAME Benifey	Prinst Name Philip	MIDDLE NAMB N.	
2 0	OF INVENTOR  RESIDENCE & CITIZENSHIP	crry New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
'	POST OFFICE ADDRESS	STREET  3 Washington Square Village, Apt. 6A	CTY New York	STATEOR COUNTRY New York	219 CODII 10012
	FULL NAME OF INVENTOR	: AST NAME Helariutta	ыны мамы Үгјо	MIDDLENAME	
0 2	RESIDENCE & CITIZENSHIP	спу Helsinki	STATE OR POREION COUNTRY Finland	COUNTRY OF CHIZZNIOUS Finland	
	POST OFFICE ADDRESS	STAIR II Oskelantie 8 A S	crry Helsinki	STATE OR COUNTRY Finland	zip codii FIN-00320
	FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAME Hidehito	MIDDLE NAME	
2	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FORMON COUNTRY  Japan	социтку ов спиденяная Јарап	
3	POST OFFICE ADDRESS	STREET Syouyoudai 4-26-12-201	crry Nara	STATE OR COUNTRY Jupan	жи сове 631-0007
	FULL NAME OF INVENTOR	tast name Nakajima	PIRST NAME Keiji	MIDDLE NAME	
2 0 4	RESIDENCE & CITIZENSHIP	crry New York	STATU OR PORBIGN COUNTRY NEW YORK	COUNTRY OF CITIZENSHIP  Japan	<b></b>
	POST OFFICE ADDRESS	street 14 Wahsington Place, Apt. 7K	crry New York	STATE OR COUNTRY New York	219 CODE 10003
	FULL NAME OF INVENTOR	LAST NAME	PIRST NAME	MIDDLE NAME	
2 0 5	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CLUSING ED	
	POST OFFICE ADDRESS	STRUFT	спу	STATE OR COUNTRY	ZIP CODE
	FULL NAME OF INVENTOR	LAST NAMII	PIRST NAME	MIDDLE NAME	_
0 6	RESIDENCE & CITIZENSHIP	слгу	STATE OR PORTIGON COUNTRY	COUNTRY OF CITURNSHIP	
"	POST OFFICE	STREET	спу	STATE OR COUNTRY	NII- CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURI OF INVENTOR 202	SICINATURE OF INVENTOR 209
PHILIP N. BENFEY	YRJO HELARIUTTA	HIDEHIRO FUKAKI
DATE	DATU	DATIC
SIGNATURE OF INVENTOR 204	SIGNATURE OF DIVENTOR 205	SIGNATURE OF INVENTOR 206
Keij Natajim- Kelli Nakajima		
DATE	DATE	DATE
11/8/00		<u> </u>

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

■ Application of: BEN

□ Patent of:

Application No.: 09/578

□ Patent No.:

□ Issued:

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: SHORT-ROOT GENE, PROMOTER, AND USES Attorney Docket No.: 5914-078-999 THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization NEW YORK UNIVERSITY

Address of organization 70 Washington Square South

New York, New York 10012

Type of organization

University or other institution of higher education

Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))

Nonprofit scientific or educational under statute of state of the United States of America (Name of state

(Citation of statute

Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.

Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America

(Name of state

(Citation of statute

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled SHROT-ROOT GENE, PROMOTER, AND USES THEREOF by inventor(s) Philip N. Benfey, Yrjo Helariutta, Hidehiro Fukaki, Keiji Nakajima described in

patent no.

issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified abov and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

 <sup>■</sup> application no. 09/578,827 filed May 24, 2000

O I P K 15 200 4

If the rights held by the nonprofit organization are exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

· · · · · · · · · · · · · · · · · · ·	
FULL NAME Philip N. Benfey	
ADDRESS 3 Washington Square Village, Apt. 6A	
New York, NY 10012	The state of the s
■ INDIVIDUAL □ SMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION
	•
FULL NAME Yrjo Helariutta	
ADDRESS Oskelantie 8 A 5	
Helinski Finland, FIN-00320	
■ INDIVIDUAL □ SMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION
FULL NAME Hidehiro Fukaki	
ADDRESS Syouyoudai 4-26-12-201	
Nara JAPAN 631-0007	
■ INDIVIDUAL □ SMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION
·	
FULL NAME Keiji Nakajima	
ADDRESS 14 Washington Place, Apt. 7K	
New York, NY 10003	
■ INDIVIDUAL □ SMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

PENNIE & EDMONDS LLP 1667 K Street, N.W. Washington, D.C. 20006 Direct Telephone calls to: PENNIE & EDMONDS LLP (202) 496-4400

Name of person signing		
Title of person other than owner		
Address of person signing New York University New York University 1550 First Avenue	rsity Medical Center	
New York, NY 10016		
Signature	Date	

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

JOINT

#### **ASSIGNMENT**

WHEREAS, WE, Philip BENFEY, Yrjo HELARIUTTA, Hidehiro FUKAKI, Keiji NAKAJIMA, ASSIGNORS, citizens of the United States, Finland, Japan and Japan, respectively, residing at 3 Washington Square Village, Apt. 6A, New York, NY 10012; Oskelantie 8 A 5, Helsinki, Finland, FIN-00320 and 14 Washington Place, Apt. 7K, are the inventors of the invention in SHORT-ROOT GENE, PROMOTER, AND USES THEREOF for which we have executed an application for a Patent of the United States

In at atom of the difficultives					
□ which is executed on □ even date herewith or □					
which is identified by Pennie & Edmonds up docket no. 5914-078-999 which was filed on May 24, 2000, Application No. 09/578,827					
and WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Squarc South, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.					
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;					
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.					
AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.					
AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.					
IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective					
Date , 2000 L.S. Mily M. S. Philip Benfey					
State of ) SS.: County of )					
In the State of New York, county of Bloom, on Determent, on Determent, on Determent, on State of State					

CESAR A. GRULLON
NOTARY PUBLIC, State of New York
No. 01GR6012008
Qualified in Bronx County
Commission Expires Aug 17, 2006

DCI - 267623 I

JOINT

#### **ASSIGNMENT**

citizens of th York, NY 10 he invention	e United States	Philip BENFEY, Yr, , Finland, Japan and e 8 A 5, Helsinki, Fi OOT GENE, PROM tates	Japan, respec	0220 and 14	Wachington P	lace Apt. 7K	are the inventors of
□ which is	executed on	□ even date herev	vith or 🗆				
	_		J1	5014 078-00	٥		

which is identified by Pennie & Edmonds up docket no. 5914-078-999 which was filed on May 24, 2000, Application No. 09/578,827

and WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Square South, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

signatures.				
Date	, 2000	L.S.		Philip Benfey
State of	) ) SS.:			
County of	)			
		county of  nally appeared Philip Be name(s) is subscribed to the horized capacity(ies), and the person(s) acted, exec	mfey, personally known to note within instrument and acknow that by his/her/their signature(s) nuted the instrument.	, before me on the basis of vledged to me that on the instrument
WITNESS my	hand and official seal			

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Date		, 2000	L.S.		Yrjo Helariutta
name(s) is subscribe authorized capacity( which the person(s)	ies), and that b	by his/her/their s  d the instrument	ignature(s)	on the basis of satisfactory evidence to be ged to me that he/she/they executed the on the instrument the person(s), or the e	Notary Public, the person(s) whose same in his/her/their entity upon behalf of
WILLESS			<b></b>		
Date ///	10	, 2000	L.S.	Hidehiro Fuka	Hidehiro Fukaki
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WITNESS	my hand and	alit	· —	MAUREEN VALENTI Notary Public, State of New York No. 01VA5044085 Qualified in Kings County Commission Expires July 15, 19	
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Date		, 2000	L.S.		Keiji Nakajima
State of County of	) ) ) SS.:				
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Date	NONEW	22	, 2000	L.S.	un W.L.	Yrjo Helariutta
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			<b>PETER</b> <b>Notar</b> )	R OLĴEMARK -Public	•	PATEN I HELSENS
Date			, 2000	L.S.		Hidehiro Fukaki
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County of	2000 before me		, Notary Public,
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Date November	8 , <sub>2000</sub>	L.S.	Vojii Makajima
/	Λ		Keiji Nakajima
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County of	es &	Δ	, Notary Public
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	1/1/1	, MAUREEN VALENTI	ı.
Maem	Valle	Notary Public, State of New Yorl No. 01VA5044085	K
		Qualified in Kings County Commission Factor July 15, 19	
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